

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

FOSTER POULTRY FARMS
Employer

and

MARIA ARACELI LOPEZ
Petitioner

Case 32-RD-230993

and

UNITED FOOD AND COMMERCIAL WORKERS
8-GOLDEN STATE
Union

ORDER

The Employer's Request for Review of the Acting Regional Director's Order Directing Hearing and Notice of Hearing on Objections and "Errata" and its request to stay the hearing on objections are denied as moot.¹

LAUREN McFERRAN, MEMBER

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

Dated, Washington, D.C., January 15, 2019.

¹ As there are no longer special appeals to the Board in the representation case context (see 79 Fed. Reg. 74382), we shall treat the Employer's Special Appeal as a request for review under Sec. 102.67(c) of the Board's Rules and Regulations, and its Motion to Stay the objections hearing as a request for extraordinary relief under Sec. 102.67(j)(ii). Although the Employer's request to stay the hearing is denied, we note that the Employer will be free to file exceptions, should the Hearing Officer recommend sustaining the objections, and to request review, should the Regional Director sustain the Union's objections.

Members Kaplan and Emanuel express no view with respect to whether they agree or disagree with revisions made by the Board's Election Rule, but they agree that it applies here and warrants denial of the Employer's request to stay the hearing.